IN THE HIGH COURT OF JUDICATURE AT BOMBAY

TESTAMENTARY AND INTESTATE JURISDICTION

NOTICE OF MOTION NO.79 OF 2006
IN
NOTICE OF MOTION NO.92 OF 2005
IN
TESTATMENTARY SUIT NO.39 OF 2005

Mr.Joe Peter Pires. ...Applicant
(orig.petitioner)
/Plaintiff.

vs.

Mr.Anthony Cardos. ...Respondent(orig.caveator)
/Defendant

Mr.N.P.Bhavsar, for Petitioner.

None for Respondent.

CORAM: D.K.DESHMUKH,J.

DATED: 7th September,2006.

P.C.:-

This is a notice of motion taken out by the Plaintiff. The learned Counsel appearing for plaintiff states that the Defendant has been served. He undertakes to file affidavit of service within a period of one week from today. Respondent is not appearing. No reply has been filed. In the absence of any reply, accepting the averments in the suit at face value, the notice of motion is granted in terms of prayer clause (a) of the suit. Notice of motion is disposed of.